

Amendments to the Drawings

The attached sheets of drawings include changes to Figs. 1-5. These sheets replace the original sheets for Figs. 1-5.

Remarks/Arguments

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully requests reconsideration of the Examiner's position based on the amendments to the specification, amendments to the claims, amendments to the drawings, terminal disclaimers and the following remarks.

Drawings

The drawings had been objected to as appearing informal. Thus, the Examiner had requested the drawings be corrected.

Attached please find replacement drawings for all figures to overcome the Examiner's objection. The drawings are now deemed in compliance with 37 CFR 1.121(d).

Specification

The abstract had been objected to because the implied phrase "The invention relates to" (line 1) must be deleted.

The abstract has been amended herein and is now deemed in compliance with MPEP § 608.01(b).

Double Patenting

Claims 1-10 had been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 7,524,116. Claims 1-10 are also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/599,075.

Attached hereto is a terminal disclaimer to overcome the nonstatutory obviousness-type double patenting rejection. Additionally, attached hereto is a terminal disclaimer to overcome the provisional nonstatutory obviousness-type double patenting rejection.

Claim Status and Comments

Claims 1-6, 8 and 10 are pending. Claims 1, 8 and 10 have been amended. Claims 7 and 9 have been canceled and incorporated into claim 1 to provide better structural definition for the claimed invention. The amendments to claim 1 will be discussed further below.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6 had been rejected as being anticipated by Kretzer (DE 39 17 128).

Claim 1 has been amended to incorporate the features of claims 7 and 9 to further define the claimed invention. Support for the additional amendments claim can be found starting on page 4, line 4, and continuing to line 15 of page 4. Respectfully, this rejection is now moot.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10 had been rejected as being unpatentable over Chambert (U.S. Patent Pub. 2001/036329) in view of Kretzer (DE 31 17 128). Chambert has been cited to teach the claimed ball cage, but does not teach lugs having flanks that are inclined towards one another. Kretzer has been cited to teach lugs having flanks that are inclined towards one another.

First, Kretzer does not disclose side walls or side rims which connect webs. Moreover, Kretzer does not disclose webs as stated by the Examiner. The webs of the claimed invention are located between the side walls and side rims. Kretzer discloses a one-piece double comb cage (4) having a ring (6) located between the rows of balls (2, 3). However, the cage and/or ring in Kretzer are not equivalent to the webs of the present invention. The cage and/or ring are not fixed between a side wall and side rim. Rather, the cage and/or ring are located in space between the rows of balls. Moreover, it is noted in the abstract of Kretzer that the ring part (6) consists of connecting sections (6') forming a saw-tooth shape, which is not disclosed in the claimed invention. Thus, the “webs” of Kretzer are not equivalent to the webs of the claimed invention.

Second, the retaining lugs of the claimed invention and Kretzer are distinguishable. Unlike the claimed invention, the retaining lugs of Kretzer are formed as a split structure, which is curved inward. (see, Kretzer Fig. 3). The retaining lugs of the claimed invention are not designed to each have two ends and they are not curved.

Since the retaining lugs are curved components in Kretzer, then the flanks must also be curved inward. However, the flanks of the claimed invention are not curved.

Rather the flanks of the claimed invention extend in a linear manner. Thus, the flanks of the claimed invention and Kretzer are distinguishable.

Thus, the flanks of Kretzer and the claimed invention are distinguishable, and Kretzer cannot be used to cure the defects of Chambert. Therefore, the claimed invention is patentable over Chambert in view of Kretzer.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: 

Klaus P. Stoffel, Reg. No. 31,668

Attorney for Applicant(s)

475 Park Avenue South, 15th Floor

New York, New York 10016

Tel. 212-661-8000 Fax (212) 661-8002

DCL/KPS/JRW/ns